

# **HOW TO APPEAL AN INVESTIGATION FINDING OF “NO CAUSE” TO THE HUMAN RIGHTS COMMISSION**

**Disclaimer:** The statutes and rules themselves govern; the following list is provided for general guidance.

The ARMS are located at <http://erd.dli.state.mt.us/humanright/documents/chap9unofficialver09.pdf>

The Statute is located at [http://data.opi.state.mt.us/bills/mca\\_toc/49.htm](http://data.opi.state.mt.us/bills/mca_toc/49.htm)

## **Objection**

1. The objection must be received at the Human Rights Bureau by the bolded date listed in the Notice of Dismissal (14 days after the issuance of the Notice of Dismissal).
2. List case name and case number at the top of the page of the objection.
3. State that you disagree with the investigator's findings and wish to appeal to the Human Rights Commission for their review.
4. The appeal should be double-spaced and in a size 12 font.
5. If you want oral argument (10 minutes to present your case in person), either request it in your objection or in your first brief at the top of the first page.
6. If you wish, you can fax your appeal to 406-444-2798 to the attention of the Human Rights Commission and then mail the original.
7. An original and six copies (total of seven) must be mailed to: Department of Labor and Industry, Human Rights Commission, PO Box 1728, Helena MT 59624.
8. Make sure you mail the objection to the Respondent and send us a document called a Certificate of Service stating that you have mailed the document, the address it was mailed to and the date.

## **First Brief**

1. Go through the same process as you did with the objection.
2. The brief will be due in the Human Rights Bureau Office within **five business days** after the objection has been received.
3. Describe why you disagree with the investigator's finding. The Commission reviews the investigator's findings using an abuse of discretion standard of review. That means the Commission only reverses and remands for hearing if the Commission determines the investigator abused his or her discretion in conducting the investigation as indicated through the Final Investigative Report.
4. The brief cannot be more than ten pages and should be double-spaced and in a size 12 font.
5. If you want oral argument, request it in your brief at the top of the first page.
6. You can fax the brief to 406-444-2798 to the attention of the Human Rights Commission and then mail the original and six copies (total of seven) to: Department of Labor and Industry, Human Rights Commission, PO Box 1728, Helena MT 59624.
7. Make sure you mail it to the Respondent and send us a document called a Certificate of Service stating that you have mailed the document, the address it was mailed to and the date.

A sample Objection and Certificate of Service can be found at (include link when this is done)